

**REMARKS**

This Amendment addresses the issues outstanding from the final Office Action dated March 18, 2010. Applicants respectfully request favorable reconsideration of this application, as amended.

Claims 1-6, 8-9 and 12-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,413,230 to Haupt et al. (Haupt) in view of U.S. Patent No. 4,972,826 to Koehler et al. (Koehler).

Without acceding to the outstanding rejection, independent claims 1, 13 and 17 have been amended to recite certain aspects of Applicants' invention with greater particularity.

Specifically, amended Claims 1 and 13 recite, *inter alia*, that upon the transmission element (2) being placed in contact with the biological tissue, the pressure waves may be coupled into the biological tissue and may be focused in the biological tissue. Amended Claim 17 recites, *inter alia*, that upon the transmission element (2) being placed in contact with the biological tissue, the pressure waves are coupled directly into the biological tissue and are focused directly in the biological tissue.

As acknowledged on page 3 of the Final Office Action, the primary reference, Haupt, fails to teach or suggest a transmission element that couples and focuses the pressure wave into the biological tissue. Additionally, as discussed in the previous submission dated December 22, 2009, Haupt fails to teach or suggest a transmission element having an inwardly curved exit boundary surface — or a concave outwardly opening exit boundary surface, as recited in Claim 13 — configured such that the pressure waves may be coupled into the biological tissue and may be focused in the biological tissue, as recited in Claims 1, 13 and 17. Indeed, Haupt teaches an outwardly

curved or convex exit boundary surface (24). See Haupt Fig. 1; specification column 2, lines 64-65; and Certificate of Correction page 1. Finally, as discussed in the previous submission dated December 22, 2009, Haupt fails to teach or suggest a transmission element being in the shape of an exponential horn, as recited in Claims 1 and 17. As a point of clarification, the exponential horn shape of the claimed transmission element can be appreciated when viewing a profile or cross-section of the transmission element along its length and noting the non-linear (i.e., exponential) increase in a transverse dimension of the transmission element, resulting in a significantly larger exit boundary diameter as compared with the entry boundary diameter.

The secondary reference, Koehler, fails to supply the above-discussed deficiencies. Note, for example, that Koehler fails to teach or suggest a transmission element where upon the transmission element being placed in contact with biological tissue, the pressure waves may be coupled into the biological tissue and may be focused in the biological tissue, as now recited in Claims 1 and 13. Note further, that Koehler fails to teach or suggest a transmission element where upon the transmission element being placed in contact with biological tissue, the pressure waves are coupled directly into the biological tissue and are focused directly in the biological tissue, as now recited in Claim 17.

Claims 1, 13 and 17 thus distinguish patentably over the applied references. Accordingly, Claims 1, 13 and 17 are allowable, as are their respective dependent claims.

In view of the above amendments and discussion, Applicants submit that this application is clearly in condition for allowance and should now be passed to issue.

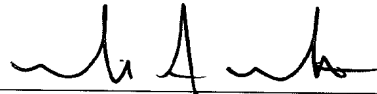
Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4494-16088US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: September 20, 2010

By:



David R. Schaffer  
Reg. No. 43,089

Michael A. Minter  
Reg. No. 58,797

Miles & Stockbridge, P.C.  
1751 Pinnacle Drive  
Suite 500  
McLean, Virginia 22102-3833  
(703) 903-9000